U.S. Department of Transportation
National Highway Traffic Safety Administration

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

June 9, 2010

The Honorable E. Benjamin Nelson
United States Senator
7602 Pacific Street, Suite 205
Omaha, NE 68114

NVS-216 et
Ref. No. 10319748

Dear Senator Nelson:

Thank you for your recent correspondence on behalf of your constituent, [redacted] wrote concerning the problems he encountered with his model year (MY) 2009 Toyota Matrix vehicle.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist.

We appreciate the report you provided on behalf of [redacted] Reports from motorists are a very important source of information for us. [redacted] indicated with that his MY 2009 Toyota Matrix succumbed to uncontrolled acceleration while attempting to brake behind another vehicle and subsequently led to a crash. He also reported that the air bags failed to deploy during this crash and that mechanics working on his vehicle discovered that the air bag sensors were "fried."

We are sorry to hear of the crash involving [redacted] MY 2009 Matrix. In January 2010, Toyota announced the recall of 2.3 million vehicles including the MY 2009 Toyota Matrix for a problem internal to the accelerator pedal that causes it to be harder to depress, slower to return to the closed position or get stuck in some partially depressed position (NHTSA Recall Campaign

No. 10V-017). If [redacted] has not done so, we recommend that he have this recall completed on his vehicle. [redacted] reported his vehicle is nearly totaled and there is no way to determine what occurred. Only an expert in crash reconstruction can determine the cause of a crash of this nature.

Additionally, we have reviewed our database in an effort to identify whether a safety defect trend exists with regard to air bag non-deployment in MY 2009 Toyota Matrix vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation. A number of factors, other than crash severity, can affect whether an air bag will deploy in a given crash: e.g., the angle of impact, the speed of the other vehicle, and the amount of force absorbed by the other vehicle or object that is impacted. Again, only an expert in crash reconstruction can provide an educated opinion as to whether the air bag in a vehicle should have deployed in a specific crash. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention.

For your information, NHTSA is currently undertaking a comprehensive look into the safety of electronic throttle control (ETC) systems in all vehicles sold in the United States equipped with that technology. The prestigious National Academy of Sciences (NAS) will examine the broad subject of unintended acceleration and electronic vehicle controls across the entire automotive industry. Separately, NHTSA has enlisted National Aeronautics and Space Administration (NASA) scientists with expertise in areas such as computer controlled electronic systems, electromagnetic interference, and software integrity to examine the issue of unintended acceleration specifically in Toyota vehicles.

The NAS, which includes the National Research Council, will examine the broad subject of unintended acceleration and electronic vehicle controls across the entire industry. This study will take 15 months to complete and will not be limited to Toyota, but will cover all vehicle manufacturers. A panel of experts will review possible sources of unintended acceleration, including electronic vehicle controls, human error, mechanical failure and interference with accelerator systems. The experts will look at software, computer hardware design, electromagnetic compatibility, and electromagnetic interference. The panel will make recommendations to NHTSA on how its rulemaking, research, and defects investigation activities may help to enhance the safety of electronic control systems in motor vehicles.

The NHTSA review of the ETC systems in Toyota vehicles is to be completed by late summer. NHTSA has brought in NASA engineers and other experts in subjects such as electromagnetic compatibility as part of a shorter-term review of these systems used in Toyota vehicles to determine whether they contain any possible flaws that would warrant a defect investigation.

NASA's expertise in electronics, hardware, software, hazard analysis and complex problem solving ensures this review will be comprehensive. If either study should identify a potential safety-related defect, an investigation could be opened.

I hope this information is helpful. If you have any questions, please have your staff contact me or Mr. Daniel C. Smith, NHTSA's Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,

David L. Strickland

cc: Washington Office